

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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U.S. UNDERWRITERS INSURANCE
COMPANY,

Plaintiff,

08 Civ. 02780 (RJS)

-against-

ANSWER

LIBERTY SQUARE REALTY, INC.,
ALEJANDRO L. LUCERO-VASQUEZ and THE
CITY OF NEW YORK,

Defendants.

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Defendant, the CITY OF NEW YORK (the "City"), by and through its undersigned counsel, for its answer to the complaint of plaintiff alleges as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 1 of the complaint.
2. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 2 of the complaint.
3. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 3 of the complaint.
4. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 4 of the complaint.
5. Admits the allegations contained in 5 of the complaint, except denies that the City is located at 100 Church Street, New York, NY 10007, which address is the location of the Office of the Corporation Counsel and the New York City Law Department.

6. Denies the allegations contained in paragraph 6 of the complaint, except admits that Plaintiffs purport to proceed as set forth therein.

7. Denies the allegations contained in paragraph 7 of the complaint, except admits that Plaintiffs purport to proceed as set forth therein.

8. Denies the allegations contained in 8 of the complaint, except admits that plaintiff alleges that a controversy exists.

9. Denies the allegations contained in paragraph 9 of the complaint, except admits that Plaintiffs purport to proceed as set forth therein.

10. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 10 of the complaint.

11. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 11 of the complaint.

12. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 12 of the complaint.

13. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 13 of the complaint.

14. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 14 of the complaint.

15. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 15 of the complaint.

16. Admits the allegations contained in 16 of the complaint.

17. Admits the allegations contained in 17 of the complaint.

18. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 18 of the complaint.

19. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 19 of the complaint.

20. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 20 of the complaint.

21. Repeats and re-alleges paragraphs 1 through 20 hereof in response to the allegations incorporated in paragraph 21 of the complaint.

22. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 22 of the complaint.

23. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 23 of the complaint.

24. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 24 of the complaint, except denies the allegations therein as to the City.

25. Denies the allegations contained in paragraph 25 of the complaint.

26. Denies the allegations contained in paragraph 26 of the complaint.

27. Repeats and re-alleges paragraphs 1 through 26 hereof in response to the allegations incorporated in paragraph 27 of the complaint.

28. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 28 of the complaint.

29. Denies the allegations contained in paragraph 29 of the complaint.

30. Denies the allegations contained in paragraph 30 of the complaint.

31. Repeats and re-alleges paragraphs 1 through 30 hereof in response to the allegations incorporated in paragraph 31 of the complaint.

32. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 32 of the complaint.

33. Denies the allegations contained in paragraph 33 of the complaint.

34. Denies the allegations contained in paragraph 34 of the complaint.

FIRST AFFIRMATIVE DEFENSE

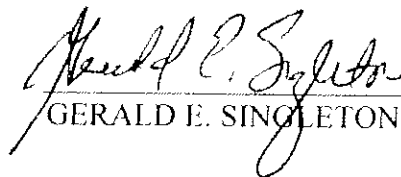
35. The complaint, and each of the claims alleged therein, fails to state a claim upon which relief can be granted.

WHEREFORE, defendant, The City of New York, demands judgment dismissing the complaint and/or declaring that plaintiff has an obligation to defend and indemnify the City with respect to the claims described in the complaint, together with an award of reasonable attorneys' fees and costs, and such further and different relief as the Court may deem just and proper.

Dated: New York, New York
April 15, 2008

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